

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED  
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ALFRED BROCHU, )  
                        )  
Plaintiff,         )  
                        )  
v.                     )      Case No. 2:21-cv-259  
                        )  
NICHOLAS DEML, Commissioner of )  
Vermont Department of Corrections, )  
                        )  
Defendant.         )

**OPINION AND ORDER  
ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
AND GRANTING PLAINTIFF'S MOTION TO REMAND**  
(Docs. 44 & 46)

This matter came before the court for a review of the Magistrate Judge's August 5, 2022 Report and Recommendation ("R & R") (Doc. 46), in which the Magistrate Judge recommended that the court grant the motion to remand this case to the Vermont Superior Court filed by self-represented Plaintiff Alfred Brochu.<sup>1</sup> (Doc. 44.) No party has filed an objection to the R & R, and the time period to do so has expired.

Plaintiff is self-represented. Defendant is represented by Pamela L.P. Eaton, Esq., and Stephen J. Soule, Esq.

A district judge must make a de novo determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Cullen v. United States*, 194 F.3d 401, 405 (2d Cir. 1999). The district judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); *accord Cullen*, 194 F.3d at 405. A district judge, however, is not required to review the factual or legal

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<sup>1</sup> Since Plaintiff filed his Complaint on January 6, 2020, Michael Touchette resigned as the DOC Commissioner.

conclusions of the magistrate judge as to those portions of a reports and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

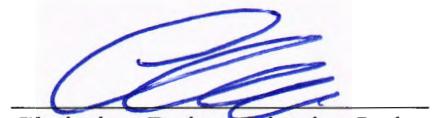
In his fourteen-page R & R, the Magistrate Judge carefully reviewed the procedural history of the case, the Complaint's factual allegations, and Plaintiff's potential causes of action and recommended the court grant Plaintiff's motion to remand. The court agrees with the Magistrate Judge's well-reasoned decision and adopts it in its entirety.

### **CONCLUSION**

For the foregoing reasons, the court hereby ADOPTS the Magistrate Judge's R & R (Doc. 46) as the court's Opinion and Order and GRANTS Plaintiff's motion to remand. (Doc. 44.)

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 30<sup>th</sup> day of August, 2022.



Christina Reiss, District Judge  
United States District Court